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Attorneys for Defendant:
Otto Trucking LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.;
OTTOMOTTO LLC; OTTO TRUCKING
LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF RACHEL M. WALSH
IN SUPPORT OF OPPOSITION TO
WAYMO'S SECOND SUPPLEMENTAL
BRIEF IN SUPPORT OF ITS MOTION
FOR ORDER TO SHOW CAUSE [DKT.
2054]**

Courtroom: 8 (19th Floor)
Judge: Hon. William Alsup
Trial Date: December 4, 2017

1 I, Rachel M. Walsh, declare as follows:

2 1. I am Counsel at the law firm of Goodwin Procter, LLP and counsel of record for
3 defendant Otto Trucking LLC (“Otto Trucking”). I make this declaration based upon matters
4 within my own personal knowledge and if called as a witness, I could and would competently
5 testify to the matters set forth herein; except for those matters I declare upon information and
6 belief, which I am informed and believe to be true. I make this declaration in support of Otto
7 Trucking’s Opposition to Waymo’s Second Supplemental Brief in Support of Its Motion for Order
8 To Show Cause [Dkt. 2054].

9 2. Otto Trucking never had and does not have Mr. Levandowski’s laptop computers,
10 nor does it have any knowledge of their whereabouts. I am informed and believe that, Otto
11 Trucking’s counsel has consistently and repeatedly stated this fact to Waymo’s counsel.

12 3. Goodwin Procter LLP (“Goodwin”) represents Mr. Levandowski in pending
13 arbitration proceedings initiated by Google Inc. against Mr. Levandowski. At Uber’s request, Mr.
14 Levandowski provided the two computers to Goodwin for Goodwin to run searches provided by
15 Uber.

16 4. These searches included 14,000 plus MD5 hash values and over 4,000 unique file
17 names, which Waymo identified in its preliminary injunction papers, and additional search terms
18 from Uber and Waymo.

19 5. Goodwin ran requested searches and also broader searches to try to find additional
20 documents that related to Uber.

21 6. The search results for MD5 hash values of the 14,000 files did not yield any of the
22 14,000 files.

23 7. The search for the file names themselves did not yield any of the 14,000 files
24 either. No hits were found aside from generic filenames found in system files.

25 8. Goodwin provided reviewed and provided the search results to Uber. Goodwin
26 does not have the two computers, nor does it possess any images of their hard drives.

27 9. Attached hereto as **Exhibit A** is a true and correct copy of the report of Kevin
28 Faulkner dated September 7, 2017.

1 10. Attached hereto as **Exhibit B** is a true and correct copy of the Notice of Deposition
2 of Kevin Faulkner served by Waymo setting the deposition for September 28, 2017. I attended the
3 deposition on the scheduled date.

4 11. Attached hereto as **Exhibit C** is a true and correct copy of excerpts from the
5 30(b)(6) deposition of Gary Brown taken on August 8, 2017.

6 12. Attached hereto as **Exhibit D** is a true and correct copy of excerpts from the
7 deposition of Paul French taken on October 3, 2017.

8 I declare under penalty of perjury under the laws of the United States that the foregoing is
9 true and correct. Executed this 25th day of October, 2017 in San Francisco, California.

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11 /s/ Rachel M. Walsh
12 Rachel M. Walsh
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document including all of its attachments with the Clerk of the Court for the United States District Court for the Northern District of California by using the CM/ECF system on **October 25, 2017**. I further certify that all participants in the case are registered CM/ECF users and that service of the publicly filed documents will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct. Executed on **October 25, 2017**.

/s/ Neel Chatterjee
NEEL CHATTERJEE

ATTORNEY ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I, Neel Chatterjee, hereby attest that concurrence in the filing of this document has been obtained from any signatories indicated by a “conformed” signatures (/s/) within this e-filed document.

October 25, 2017

/s/ Neel Chatterjee
NEEL CHATTERJEE